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Jackie McClaskey, Secretary

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## **Kansas Department of Agriculture Grievance Procedure**

### **APPLICABILITY:**

The Department of Agriculture Grievance Procedure shall be posted on all the Department's official bulletin boards and shall be available for use by all Department of Agriculture employees. The availability of this grievance procedure shall not be interpreted as granting any additional rights under the Kansas Civil Service Act, and any amendments thereto.

Copies of the Grievance Procedure shall be made available upon request to any Department employee, along with the standard form for processing grievances by Division or Office Directors.

Employees who lodge a grievance are to be free from restraint, coercion, discrimination, or reprisal. Complainants are assured the maximum possible anonymity. The filing of a grievance shall in no way reflect on an employee's good standing with the Department. If any employee believes he or she is being subjected to one of the above actions, a separate grievance shall be filed directly with the Secretary of the Department of Agriculture. Wherever this grievance procedure provides for any grievance to be taken to the Secretary of Agriculture, the Secretary may rule directly on the matter, or may appoint one or more persons as a hearing panel to gather pertinent statements and information and make recommendations to the Secretary.

### **DEFINITION:**

A grievance shall be defined as a statement of dissatisfaction over any condition of work which allegedly has an adverse effect on the employee.

A grievance shall not include matters involving demotion, suspension, or dismissal of a permanent employee; employee evaluations, or any other subject for which a method of settlement or an appeal procedure is established under appropriate Kansas Statutes or Regulations.

Grievances shall be redressed by the process outlined in "Grievance Procedure A". However, a separate procedure may be followed for a grievance alleging discrimination on the basis of race, color, ancestry, national origin, age, sex, sexual harassment, handicap, or political affiliation. This process is outlined in "Grievance Procedure B". In addition to the right to file a grievance under this procedure all employees have the right to file civil rights complaints with appropriate enforcement agencies.

### **GENERAL PROVISIONS:**

An aggrieved employee must represent himself or herself at all steps of the grievance procedure. Another person employed within the Department of

This institution is an equal opportunity employer and provider.

Agriculture may be selected by the aggrieved employee to assist him or her at each step of the procedure at the aggrieved employee's discretion, provided that the selected employee agrees to assist. The grievant and the selected employee will be allowed time off during working hours to meet with the supervisor, director or other person designated to respond at the applicable step of the procedure so long as such absence does not create undue hardship upon completion of work in his or her work unit.

Meetings held at each step of the Grievance Procedure shall, wherever possible, take place during regular working hours. When unusual circumstances require meetings outside regular working hours, they shall be mutually agreed upon in writing, and time spent on such meetings or time spent outside regular office hours on other work on the grievance, shall not be considered as time on duty for pay purposes.

Failure of the Department of Agriculture to reply to the employee's grievance within the time limits specified, grants the employee the opportunity to take the grievance to the next step. If an employee fails to appeal from one step to the next step within the time limits specified, the grievance shall be considered settled on the basis of the Department's last decision, and the grievance will not be subject to further appeal or consideration.

In the event an immediate supervisor or his or her supervisor is not available to process a grievance, a designee shall be appointed to serve in his or her place.

At any step in the grievance procedure, if either party (the employee on the one hand, the immediate supervisor or his or her supervisor on the other hand) believes that an extension of the time limit for action is required, the party may request of the Division or Office Director an extension of the time limit.

Employees covered by an approved Memorandum of Agreement that includes a grievance procedure, may elect, at the time when a grievance is first filed, to be covered by either the Department or the Memorandum of Agreement's provisions. This decision cannot be changed at a later time.

GRIEVANCE  
PROCEDURE A:

Step 1: Any employee of the Department of Agriculture who believes that he or she has a grievance shall take up the matter orally with his or her immediate supervisor within five (5) working days of its occurrence. The immediate supervisor shall provide an opportunity for full discussion of the grievance with the aggrieved employee. The immediate supervisor shall then attempt to adjust the matter and shall respond orally to the employee within five (5) working days of the date on which the aggrieved employee first brought the grievance to his or her attention.

Step 2: If the response of the immediate supervisor in Step 1 is unsatisfactory to the employee and does not settle the issue, the aggrieved employee may complete a standard grievance form furnished by the Department of Agriculture Personnel Office, and present the completed and signed form to his or her supervisor's supervisor within five (5) working days after the date on which his or her immediate supervisor's response was due. This higher level supervisor shall provide opportunity for discussion and review, and shall respond in writing on the standard form within five (5) working days after receipt of the standard grievance form from the aggrieved employee.

Note: In situations involving a particular grievance where there is no Step 2 supervisory level in the employee's Division or Office, the grievance procedure will proceed from Step 1 to Step 3. In such a case, the employee may appeal to the Step 3 level within five (5) days of the immediate supervisor's Step 1 response.

Step 3: If the response in Step 2 is unsatisfactory to the employee and does not settle the issue, the aggrieved employee may appeal by sending a copy of the completed standard grievance form to the Director of his or her Division or Office within five (5) working days of the date the Step 2 response was due. The Director of the Division or Office shall investigate the matter and shall then meet with the employee and whatever levels of the employee's supervision the Director deems appropriate. The Director shall use any means at his or her disposal to satisfactorily settle the grievance. If settlement is not possible, the Director shall respond in writing on the standard grievance form within ten (10) working days of the date on which the Director received the grievance.

Final Decision: Grievances which have not been resolved in Step 3 may be appealed to the Secretary of Agriculture by sending a copy of the completed standard grievance form within five (5) working days after the response of the Director.

The Secretary of Agriculture will take such actions as deemed necessary and decide the matter. This decision shall be transmitted in writing to the aggrieved employee, his or her immediate supervisor, and the Division or Office Director within ten (10) working days from the date the grievance was brought to the Secretary of Agriculture. This decision shall be final and not subject to further appeal unless further appeal is provided by Kansas Statute or Regulation. (This sentence does not abridge rights to file complaints with appropriate civil rights enforcement agencies.)

Note: In circumstances where there are fewer supervisory levels than provided in the grievance procedure, Step 1 will always be followed, and the immediate supervisor will again be involved in following requirements of Step 3.

#### GRIEVANCE PROCEDURE B:

Step 1: Any employee of the Department of Agriculture who believes that he or she has a grievance involving discrimination on the basis of race, color, ancestry, national origin, age, sex, sexual harassment, handicap, or political or religious affiliation may take up the matter orally with the Personnel Officer for the Department of Agriculture Personnel Office within five (5) working days of its occurrence. The Personnel Officer shall provide an opportunity for full discussion of the grievance with the aggrieved employee. The Personnel Officer shall then attempt to adjust the matter by working with the employee's division or office director and shall respond orally to the employee with ten (10) working days of the date on which the aggrieved employee first brought the grievance to his or her attention.

Final Decision: If the response of the Personnel Officer in Step 1 is unsatisfactory to the employee and does not settle the issue, the aggrieved employee may complete a standard grievance form furnished by the Department of Agriculture Personnel Office, and send a completed and signed form to the Secretary of Agriculture within five (5) working days after the response from the Personnel Officer.

The Secretary of Agriculture will make a determination and take such actions as deemed necessary and decide the matter. This decision shall be transmitted in writing to the aggrieved employee, the Division or Office Director, and the Personnel Officer within ten (10) working days from the date the grievance was brought to the Secretary of Agriculture. This decision shall be final and not subject to further appeal unless further appeal is provided by Kansas Statute or Regulation. (This sentence does not abridge rights to file complaints with appropriate civil rights enforcement agencies.)

#### RESPONSIBILITY:

Division or Office Directors are responsible for proper administration of the Department's Grievance Procedure A as it pertains to employees in their

respective Divisions and Offices. They are also responsible for recommending improvements in the procedure to the Secretary of the Department of Agriculture. The Personnel Officer of the Department of Agriculture Personnel Office is responsible for proper administration of the Department's Grievance Procedure B. The Department of Agriculture Personnel Office and the agency EEO Coordinator will be responsible for training supervisors and Division and Office Directors in proper administration of the Grievance Procedure.

Each Director is responsible for filing an annual report, for the past fiscal year, on the number and subjects of grievances and the level at which they were resolved within Grievance Procedure A. The Personnel Officer of the Department of Agriculture Personnel Office is responsible for the same on Grievance Procedure B. One copy of the report is to be filed with the Director of the Division of Personnel Services and one copy is to be maintained for three years in the agency's affirmative action file.

APPROVED:

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Jackie McClaskey  
Secretary of Agriculture

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Date